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SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.10 a.m.

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION AND RIGHT OF PEOPLES TO SELF-DETERMINATION

1. Mr. FALL (Assistant Secretary-General for Human Rights) said that racism and racial discrimination continued to represent major obstacles to ensuring respect for human rights and maintaining peace. It was therefore fitting that the World Conference on Human Rights, recently concluded in Vienna, had again established the elimination of racism and racial discrimination as a primary objective for the international community, and had called for a worldwide promotion programme in the field of human rights. The Vienna Declaration and Programme of Action, adopted by the Conference, urged United Nations organs and agencies to strengthen their efforts to implement such a programme, and appealed to the international community to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. It also urged Governments to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation. It applauded the decision of the Commission on Human Rights to appoint a Special Rapporteur to deal with those matters, and called on all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to make the declaration called for under article 14.

2. He drew the attention of the Committee to the draft programme of action, prepared by the Secretary-General, for the third decade to combat racism and racial discrimination, the purpose of which was to provide a focus for international and national activities against racism and to carry on the work of the First and Second Decades. The draft programme incorporated the Vienna Declaration and Programme of Action, earlier suggestions formulated by the Secretary-General, views expressed during the forty-seventh session of the General Assembly and the recommendations of other policy-making bodies and non-governmental organizations concerned with racial discrimination.

3. He also drew attention to the model legislation against racism and racial discrimination that had been prepared by the Secretariat, and to the report of the meeting of representatives of national institutions and organizations that had recently been held in Sydney, Australia. He hoped that those combined elements would go into the development of a programme that would focus on reducing and eliminating discrimination through specific national and international action, with quantifiable results.

4. The International Convention on the Elimination of All Forms of Racial Discrimination, to which 137 States parties had now acceded, was, in his view, one of the most effective tools for combating all forms of racial discrimination. The importance of that Convention, and of the Committee on the Elimination of Racial Discrimination (CERD) that monitored its implementation, had been highlighted by the worldwide trend towards racial and ethnic violence, and the severe strain it placed on internal stability and the maintenance of peaceful relations among States.

5. During 1993, CERD had considered reports from 24 States parties and adopted concluding observations on each. He was pleased to note that several States

that had fallen behind in their reporting had recently submitted reports or had expressed their intention to do so. The Committee had also adopted seven general recommendations, dealing with, inter alia, non-citizens, the training of law enforcement officials and the establishment of national commissions on human rights. It had discussed early warning measures and urgent procedures aimed at preventing violations of the Convention. It had also adopted new guidelines for both prevention and response to human rights violations within the scope of the Convention. Under those new guidelines, it had replied to two urgent requests from successor Governments of the former Yugoslavia for help in resolving minority tensions by offering assistance intended to promote a dialogue for peaceful conflict resolution and advisory services in the area of minority legislation. Those constructive initiatives demonstrated ways in which the treaty system could be instrumental in conflict prevention and enforcement of human rights standards.

6. In pursuance of General Assembly resolution 47/111 of 17 December 1992, the Secretary-General had taken the necessary measures to provide for the financing of the Committee from the regular budget of the United Nations for the biennium 1994-1995, placing the work of the Committee on a more secure financial basis and thereby ensuring that the Committee could hold its meetings as scheduled. He reminded States parties to the Convention that they should notify the Secretary-General, as depositary, of their acceptance of the two amendments to the Convention dealing with financial matters that were adopted by States parties in 1992 and endorsed by the General Assembly at its forty-seventh session.

7. Since the consideration of its status, at the forty-seventh session of the General Assembly, an additional six States had adhered to the International Convention on the Suppression and Punishment on the Crime of Apartheid: Armenia, Bosnia and Herzegovina, Croatia, Czech Republic, Moldova and Slovakia, bringing the total number of States parties to 98. At its fifteenth session, the Group of Three joined with the Economic and Social Council in inviting Governments, entrepreneurs and enterprises, including transnational corporations to give their full support to the critical political process under way in South Africa with a view to achieving total eradication of the apartheid system and to establishing a united non-racial and democratic South Africa.

8. In its consideration of the agenda item on self-determination, the Committee should bear in mind the recommendations of the World Conference on Human Rights. The Conference had declared that it recognized the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination, and that the denial of that right was a violation of fundamental human rights. It also stated that the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples.

9. Mr. BROUHNS (Belgium), speaking on behalf of the European Community, said that the Community was committed to the elimination of all forms of racial discrimination and to adopting all necessary measures to combat racial

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prejudice. The deterioration of the economic and social situation in Europe provided fertile ground for the spread of racist tendencies. All countries were obligated, as a priority, to identify such problems and take decisive action to prevent the growth of racism and xenophobia in their territory. Accordingly, the member States of the European Community had recently taken measures to strengthen their cooperation in that field to combat the resurgence of racism.

10. The tragic situation in the former Yugoslavia had aroused the indignation of the entire international community. The odious practice of ethnic cleansing must be condemned and categorically rejected. The situation of women and children, particularly Muslims, was extremely tragic and should be given very close attention. He supported the untiring efforts of the Special Rapporteur of the Commission on Human Rights, Mr. Mazowiecki, to illuminate the grim realities of that situation.

11. The Community was monitoring the situation throughout the territory of the former Yugoslavia and supported all efforts undertaken within the framework of the International Conference on the Former Yugoslavia and the Conference on Security and Cooperation in Europe (CSCE). Its member States also supported the steps taken by the Security Council and various other United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, to alleviate the suffering and safeguard the human rights of the victims, and put a stop to ethnic cleansing. He welcomed the creation of the Commission of Experts established pursuant to Security Council resolution 780 (1992) to consider violations of humanitarian law in the former Yugoslavia and the establishment of the International Tribunal under Security Council resolution 827 (1993). The European Community, which had also contributed to the humanitarian efforts in the former Yugoslavia, reaffirmed its support for the work of the two Co-Chairmen of the International Conference who were seeking a diplomatic solution to the conflict in Bosnia and Herzegovina and was committed to promoting its implementation.

12. The Community was watching the development of the situation in South Africa. Important decisions had been taken to dismantle apartheid and lay the foundation for a united, non-racial and democratic society. The European Community member States continued to support all efforts to promote the transition process and reaffirmed their commitment to contributing to the economic and social development of the new South Africa. They had accordingly decided to lift certain sanctions and to promote the normalization of relations between the Bank, IMF and other financial institutions and South Africa. The Community remained extremely concerned at the repeated outbursts of violence in that country and urged all South African political forces to participate in the transition process and put an end to the violence. It was hoped that at the current session the General Assembly would adopt resolutions reflecting the new situation in South Africa.

13. The role of the United Nations in combating racism and racial discrimination had been further strengthened by the recent appointments of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. The Community was determined to give him its full support and urged all countries to do likewise. Close contact between the Special Rapporteur and the bodies dealing with such questions, particularly

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the Committee on the Elimination of Racial Discrimination (CERD), was necessary in order to enhance their effectiveness and cooperation. In that connection, he urged the States parties that had not done so to endorse the new financial arrangements for CERD in order to enable it to carry out its work more effectively. The resources made available to the Centre for Human Rights should also be substantially increased. The Community supported the proclamation at the current session of the General Assembly of a third decade to combat racism and racial discrimination and stressed that it should be characterized by a pragmatic approach and concrete action.

14. The full exercise of human rights was inseparably linked to the implementation of the right of peoples to self-determination. All citizens must have the right and opportunity to take part in the administration of public affairs, either directly or through freely elected representatives. The periodic holding of free and honest elections on the basis of universal suffrage was essential for the exercise of the right of peoples to self-determination. The Community recognized that right and intended to promote universal and peaceful implementation. In that connection, he welcomed the efforts by the Organization to provide electoral assistance to countries that were committed to democracy. It was the task of Governments to adapt, where necessary, political and administrative structures in order to enable all groups to participate fully in the exercise of national sovereignty.

15. Peoples had the right to change their government, if they so desired, without being subjected to the threat of armed intervention, a coup d'état, or a declaration of a state of emergency. The Community was concerned about the numerous situations throughout the world in which peoples were deprived of that right. In that connection, he drew attention to the failure to respect the elections held in Myanmar in 1990. While it was encouraged by the prospects for the restoration of democracy in Haiti, the Community feared that the recent acts of violence might undermine the democratization process in that country. In Angola, the refusal of UNITA to accept the results of the 1992 democratic elections had led to a resumption in fighting. Disturbing developments had taken placed in Nigeria, particularly the decision by the Government to annul the presidential elections held in June 1993. A speedy return to a civilian and democratic government was necessary in that country. With regard to Western Sahara, the Community reaffirmed its support for the United Nations settlement plan and urged the parties concerned to cooperate with the Secretary-General in its implementation. It was hoped that the Afghan people would be able to find peace and democracy through an overall political solution based on the free exercise of their right to self-determination, including the holding of free and honest elections, the halting of hostilities and the return of the refugees to their homes. Negotiations must aim to reach the consensus necessary to achieve those objectives and establish conditions for economic and social reconstruction.

16. The Community welcomed the successful holding of free and honest elections in Cambodia and the referendum in Eritrea, which had demonstrated the desire of the people of those countries to live in peace. The Israeli-Palestinian Agreement, concluded within the framework of the peace process in the Middle East, represented a unique opportunity for peace in the region. The European Community was determined to continue to play an active, constructive and

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balanced role in that process in order to bring about a just and lasting settlement of the entire Israeli-Arab conflict and the question of Palestine, on the basis of Security Council resolutions 242 (1967) and 338 (1973). It was for the parties to the conflict to determine the conditions for a settlement; in order to be effective, it must be freely negotiated and accepted by common agreement.

17. The Community was prepared to participate in international arrangements to implement the Israeli-Palestinian Agreement and was giving very serious consideration to providing substantial funds in grants and loans over the next five years for the development of the occupied territories. He hoped that progress would be made within the framework of other bilateral and multilateral negotiations on future cooperation among the States in the region and that, by consensus, the General Assembly could adopt resolutions reflecting that historic step in the peace process in the Middle East.

18. Mr. MARRERO (United States of America) said that his country had advanced the cause of protecting the right of individuals and groups to elect their own governments by democratic means and had an equally strong commitment to ending all forms of racism and racial discrimination. It was unfortunate that in the past few years, the Committee had become a vehicle for the adoption of resolutions that failed to reflect changes occurring in the real world and tended to attribute blame unfairly. The time had come to take note of the fact that the situation in the Middle East was changing rapidly. The agreement by the Israeli Government and the Palestine Liberation Organization to recognize each other's right to exist represented a dramatic end to decades of stalemate. It was time to adopt realistic resolutions on the Middle East that encouraged the parties in their efforts to reach comprehensive solutions. That was the only way to ensure that the delicate negotiating process under way between the Israelis and Palestinians would become a model for the region, encouraging other nations to seek peaceful solutions to age-old conflicts.

19. South Africa was emerging from the devastation of apartheid and witnessing the dawn of an extraordinary new era. The negotiating parties had already taken steps to ensure that country's democratic future. Once the negotiators reached agreement on a transitional constitution and the transitional executive council was established, the exclusive political domination of South Africa by the white minority would end. Although there undoubtedly would be setbacks on the road to tolerance, those should be seen as obstacles to be overcome, rather than permanent roadblocks.

20. His Government believed that the transition in South Africa was irreversible. The steps already taken by the South African Government and the various parties involved had set the stage for a non-racial democracy. Accordingly, the Committee should recognize those extraordinary changes and adopt a resolution commending those efforts and providing signposts for future progress. The United States had continued to promote self-determination and oppose racism and its new Administration had made the promotion of democracy and the protection of human rights a cornerstone of its foreign policy.

The meeting rose at 11.15 a.m.